

<p><i>Effective on 12/08/2004.</i>  <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4018).</i></p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2009</h3>		<p><b>Complete if Known</b></p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Patent#: 7,440,010 B2
		Filing Date	Issued: October 21, 2008
		First Named Inventor	Takeo FUJITA
		Examiner Name	A. R. Hsu
		Art Unit	2622
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <b>200.00</b>		Attorney Docket No.      1163-0512PUS1	

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>02-2448</u>	Deposit Account Name: <u>Birch, Stewart, Kolasch &amp; Birch, LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	
							<b>Small Entity</b> <b>Fee (\$)</b>
<b>2. EXCESS CLAIM FEES</b>							<b>Fee (\$)</b>
<b>Fees Description</b>							<b>Fee (\$)</b>
Each claim over 20 (including Reissues)							52    26
Each independent claim over 3 (including Reissues)							220    110
Multiple dependent claims							390    195
<b>Total Claims</b> <u>5</u> - 20 or HP <input checked="" type="checkbox"/>		<b>Extra Claims</b> <u>      </u> <input type="checkbox"/>		<b>Fee (\$)</b> <u>      </u> =		<b>Fee Paid (\$)</b> <u>      </u>	
<b>HP</b> = highest number of total claims paid for, if greater than 20.		<b>Multiple Dependent Claims</b>		<b>Fee (\$)</b> <u>      </u>		<b>Fee Paid (\$)</b> <u>      </u>	
<b>Indep. Claims</b> <u>2</u> - 3 or HP <input type="checkbox"/>		<b>Extra Claims</b> <u>      </u> <input type="checkbox"/>		<b>Fee (\$)</b> <u>      </u> =		<b>Fee Paid (\$)</b> <u>      </u>	
<b>HP</b> = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b> <u>      </u> - 100 =		<b>Extra Sheets</b> <u>      </u> /50 =		<b>Number of each additional 50 or fraction thereof</b> <u>      </u> (round up to a whole number) x		<b>Fee (\$)</b> <u>      </u> =	
						<b>Fee Paid (\$)</b> <u>      </u>	
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							<b>Fee Paid (\$)</b>
Other (e.g., late filing surcharge): <u>1455 Filing an application for patent term adjustment</u>							<u>200.00</u>

<b>SUBMITTED BY</b>			
Signature	<u>Michael K. Mutter</u>	Registration No. (Attorney/Agent)	29,680
Name (Print/Type)	Michael K. Mutter	Telephone	(703) 205-8000
		Date	December 22, 2008

Docket No.: 1163-0512PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Takeo FUJITA et al.

Application No.: 10/535,499

Confirmation No.: 3898

Filed: May 18, 2005

Art Unit: 2622

For: IMAGE PICKUP APPARATUS AND IMAGE  
PICK UP METHOD

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Examiner: A. R. Hsu

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT UNDER § 1.705(b)**

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Madam:

Applicants note that the 519 days of Patent Term Adjustment (PTA) as indicated on the Issue Notification received on October 2, 2008 for the above-captioned application disagrees with Applicant's own calculation of PTA.

The calculation of PTA days should be **675** days in credits.

The U.S. Patent Office's Patent Term Adjustment History as indicated in the Patent Application Information Retrieval (PAIR) system (copy attached) shows 519 days of Patent Term Adjustment in connection with the time of the first Office Action, which issued on December 19, 2007. Applicants agree with this calculation.

However, Applicants note that 156 days of Patent Term Adjustment in connection with the three (3) years from filing to issue period was not included in the U.S. Patent and Trademark Office calculation of 519 days. It is noted that the Applicants are entitled to an additional 156 days of Patent Term Adjustment because of the number of days between May 18, 2008 and the actual date of issuance of the patent in the subject application on October 21, 2008.

Applicants hereby request that the U.S. Patent Office correct the calculation of the Patent Term Adjustment for the present application to **675 days**.

The present application ☐ is; ☒ is not subject to any Terminal Disclaimer and any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).

☐ The following circumstances arose during prosecution of the above-identified application that constitute a failure to engage in reasonable efforts to conclude processing of examination of the application (§ 1.705(iv)(A)): \_\_\_\_\_

or

☒ There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

PAYMENT OF FEES (check one box)

☒ A check in the amount of \$200.00 is enclosed for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

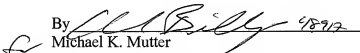
Application No. 10/535,499  
Amendment dated December 22, 2008  
After Allowance Under 37 C.F.R. 1.312

Docket No.: 1163-0512PUS1

any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 22, 2008

Respectfully submitted,

By  12/22/08  
Michael K. Mutter  
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Attorney for Applicant

<b>10/535,499</b>	<b>IMAGE PICKUP APPARATUS AND IMAGE PICKUP METHOD</b>	<b>12-18-2008::14:26:21</b>
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/535,499

Filing or 371(c) Date:	05-18-2005	USPTO Delay (PTO) Delay (days):	519
Issue Date of Patent:	10-21-2008	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total PTA (days):	519
USPTO Adjustment(days):	+0	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-01-2008	PTA 36 Months		
10-21-2008	Patent Issue Date Used in PTA Calculation		
09-15-2008	Dispatch to FDC		
09-15-2008	Application Is Considered Ready for Issue		
09-12-2008	Issue Fee Payment Verified		
09-12-2008	Issue Fee Payment Received		
06-21-2008	Electronic Review		
06-20-2008	Mail Notice of Allowance		
06-18-2008	Document Verification		
06-18-2008	Notice of Allowance Data Verification Completed		
04-11-2008	Date Forwarded to Examiner		
03-19-2008	Response after Non-Final Action		
12-20-2007	Electronic Review		
12-19-2007	Email Notification		
12-19-2007	Mail Non-Final Rejection	519	
12-10-2007	Non-Final Rejection	↑	
05-18-2005	Information Disclosure Statement considered	↑	
05-18-2006	Information Disclosure Statement considered	↑	
08-01-2007	Information Disclosure Statement considered	↑	
09-24-2007	Case Docketed to Examiner in GAU	↑	
08-01-2007	Information Disclosure Statement (IDS) Filed	↑	
08-01-2007	Information Disclosure Statement (IDS) Filed	↑	
05-18-2006	Reference capture on IDS	↑	
05-18-2006	Information Disclosure Statement (IDS) Filed	↑	
05-18-2006	Information Disclosure Statement (IDS) Filed	↑	
05-18-2005	Reference capture on IDS	↑	
05-18-2005	Information Disclosure Statement (IDS) Filed	↑	
05-18-2005	Information Disclosure Statement (IDS) Filed	↑	
03-31-2006	IFW TSS Processing by Tech Center Complete	↑	
03-31-2006	Case Docketed to Examiner in GAU	↑	
05-18-2005	371 Completion Date	↑	

03-21-2006	Application Return from OIPE	↑
03-21-2006	Application Return TO OIPE	↑
03-21-2006	Application Return from OIPE	↑
03-22-2006	Notice of DO/EO Acceptance Mailed	↑
03-21-2006	Application Return TO OIPE	↑
03-15-2006	Application Dispatched from OIPE	↑
03-15-2006	Notice of DO/EO Acceptance Mailed	↑
02-11-2006	Cleared by OIPE CSR	↑
05-18-2005	Initial Exam Team nn	↑

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